

GAU 1642

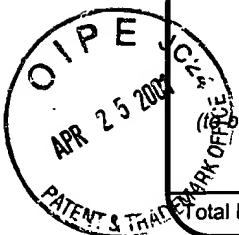
PTO/SB/21 (08-00)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/493,480
Filing Date	January 28, 2000
First Named Inventor	Cheever, Martin, et al.
Group Art Unit	1642
Examiner Name	J. Hunt
Attorney Docket Number	14058-009810

Total Number of Pages in This Submission

1

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Annette S. Parent	Reg. No. 42,058
Signature	<i>Annette S. Parent</i>	
Date	4/18/01	

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SF 1213275 v1

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FEE TRANSMITTAL for FY 2001

APR 25 2001

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TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

Application Number	09/493,480
Filing Date	January 28, 2000
First Named Inventor	Cheever, Martin, et al.
Examiner Name	J. Hunt
Group Art Unit	1642
Attorney Docket No.	14058-009810

METHOD OF PAYMENT		FEE CALCULATION (continued)						
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES						
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other								
FEE CALCULATION								
1. BASIC FILING FEE								
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid			
101	710	201	355	Utility filing fee				
106	320	206	160	Design filing fee				
107	490	207	245	Plant filing fee				
108	710	208	355	Reissue filing fee				
114	150	214	75	Provisional filing fee				
SUBTOTAL (1)					(\$0)			
2. EXTRA CLAIM FEES								
Total Claims	24	-92**	=	0	X	Fee from below	=	Fee Paid
Independent Claims	2	-4**	=	0	X		=	
Multiple Dependent					X		=	
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid			
103	18	203	9	Claims in excess of 20				
102	80	202	40	Independent claims in excess of 3				
104	270	204	135	Multiple dependent claim, if not paid				
109	80	209	40	** Reissue independent claims over original patent				
110	18	210	9	** Reissue claims in excess of 20 and over original patent				
SUBTOTAL (2)					(\$0)			
				Other fee (specify)				
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				SUBTOTAL (3) (\$0)				

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SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Annette S. Parent	Registration No. (Attorney/Agent)	42,058	Telephone	415-576-0200
Signature	<i>Annette S. Parent</i>	Date	4/18/01		

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TOWNSEND and TOWNSEND and CREW LLP

By: Karen Iovino
Karen Iovino



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cheever *et al.*

Application No.: 09/493,480

Filed: January 28, 2000

For: HER-2/NEU FUSION PROTEINS

Examiner: J. Hunt

Art Unit: 1642

**PRELIMINARY AMENDMENT AND
RESPONSE TO RESTRICTION
REQUIREMENT**

Art Unit 1642
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

IN THE CLAIMS

Please cancel claims 1-92 without prejudice to subsequent revival.

Please add new claims 93-116 as follows.

Sub
C9
B

✓ 93. An isolated nucleic acid encoding a protein comprising a HER-2/neu extracellular domain fused to a HER-2/neu phosphorylation domain, wherein the protein has a sequence at least 80% identical to the sequence of SEQ ID NO:6, or wherein the protein comprises a sequence at least 80% identical to the sequence of SEQ ID NO:3 fused to a sequence at least 80% identical to the sequence of SEQ ID NO:4, and wherein the protein is capable of producing an immune response in a warm-blooded animal.